

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____)	
INTRACOMM, INCORPORATED,)	
<u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 05-0955
)	
KEN S. BAJAJ, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

For the reasons stated in the accompanying Memorandum
Opinion, it is hereby

ORDERED that:

- (1) Defendants' Motion for Summary Judgment is GRANTED as to Count 1 of Plaintiffs' Amended Complaint and it is DISMISSED, except that the Court finds that Plaintiff Babak Habibi (Habibi) is a non-exempt employee under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219 (2000);
- (2) Plaintiffs' Motion for Summary Judgment is GRANTED as to Count 2 of Plaintiffs' Amended Complaint, except that the Court finds that Defendant BAE IT LLC's violation of the FLSA is not willful, and JUDGMENT is entered for Habibi in the amount of \$1693.00; and

(3) Defendants' Motion for Summary Judgment is GRANTED as to Counts 3 through 8 of Plaintiffs' Amended Complaint and they are DISMISSED.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
April 19, 2006